

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
CALEB MITCHELL ROGERS,  
Defendant.

Case No.: 2:22-cr-00064-APG-EJY

## **ORDER AFFIRMING REPORT AND RECOMMENDATION REGARDING MOTION TO DISMISS**

[ECF Nos. 50, 59]

Defendant Caleb Rogers filed a motion to dismiss the charges against him based on the government's violation of his due process rights. ECF No. 50. Magistrate Judge Youchah recommended that the motion to dismiss be denied. ECF No. 59. Mr. Rogers filed an objection to recommendation (ECF No. 67). I have conducted a *de novo* review of the motion to dismiss and related papers as required by Local Rule IB 3-2(b). Judge Youchah's Report and Recommendation sets forth the proper legal analysis and factual bases for the decision, and I adopt it as my own.

I HEREBY ORDER that Magistrate Judge Youchah's Report and Recommendation (**ECF No. 59**) is accepted. Mr. Rogers' motion to dismiss (**ECF No. 50**) is denied without prejudice to renew his request for dismissal at the appropriate time.

DATED this 12th day of June, 2023.

  
ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE